

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, Claims 21-27 and 29-37 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims.

Claims 27, 30, and 36 have been amended to correct minor typographical and/or grammatical errors, and are in no way intended as limiting or to obtain patentability of such claims. Accordingly, it is believed by the Applicants that the amendments made to the claims in no way impair the ability of the Applicants to obtain the full scope of such claims as may be available under the Doctrine of Equivalents.

35 U.S.C. § 112 ¶ 2

On page 2 of the Office Action, the Examiner rejected Claims 29 and 33-36 under 35 U.S.C. § 112 ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Claims 29 and 33 have been amended, are definite and in compliance with 35 U.S.C. § 112 ¶ 2. The Applicants request withdrawal of the rejection of Claims 29 and 33-36 under 35 U.S.C. § 112 ¶ 2.

The Applicants note that the claim amendments described above are intended to clarify the language used in the amended claims, and are in no way intended as limiting or to obtain patentability of such claims. Accordingly, it is believed by the Applicants that the amendments made to the claims in no way impair the ability of the Applicants to obtain the full scope of such claims as may be available under the Doctrine of Equivalents.

Claim Rejections – 35 U.S.C. § 102

Claims 21 and 23-24

On page 3 of the Office Action, the Examiner rejected Claims 21 and 23-24 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,040,702 titled “Tip-Up Vehicle Seat” issued on May 9, 2006 to Yamada et al. (“Yamada”).

The Examiner stated “[n]ote the seat back (11), seat base (14), leg assembly (17), leg detent (48), cable (43), and mechanism (38).” (see Office Action at page 3)

Yamada is directed to a tie-up vehicle seat including a leg member 17 moveable from a retracted position to a support position, a seat bottom 14 moveable from an available position to a retracted position, a wire cable 43 connecting the front side of the seat bottom to a release lever 29, an engaging lever 26, and a side bracket 19. When displacing the leg member 17 from the retracted position to the support position, the wire cable 43 rotates the release lever 29 against the elasticity of a spring 32, which causes the engaging lever 26 to be rotated such that its pawl 25 is disengaged from the recess 24 of the back side bracket 19. (see Yamada at col. 3, lines 23-39; and Figures 1-2).

Claim 21 is in independent form and recites a seat comprising, in combination with other elements, a mechanism connected to the cable such that when the seat base is locked in the stored position and the leg member is pulled, the leg member will move without damaging the cable while the seat base remains locked in the stored position. Claims 23-24 depend from independent Claim 21.

Yamada does not identically disclose a seat comprising, among other elements, a mechanism connected to the cable such that when the seat base is locked in the stored position and the leg member is pulled, the leg member will move without damaging the cable while the seat base remains locked in the stored position as recited in independent Claim 21. Indeed, Yamada states that “[t]he lock mechanism 18 is arranged to be unlocked in response to the rotation from the retracted position to the support position of the leg member 17.” (Yamada at col. 3, lines 51-56). Thus, there is no mechanism in which the seat bottom 14 is locked in the stored position and the leg member 17 is pulled while the seat bottom remains locked in the stored position because the device of Yamada is unlocked when the leg member 17 is pulled. The rejection of Claim 21 over Yamada is improper. Claim 21 is patentable over Yamada.

Dependent Claims 23-24, which depend from independent Claim 21, are also patentable. See 35 U.S.C. § 112 ¶ 4.

Claim 29

On page 3 of the Office Action, the Examiner rejected Claim 29 under 35 U.S.C. § 102(e) as being anticipated by Yamada.

The Examiner stated “[n]ote the seat back (11), seat base (14), leg assembly (17), and break-away mechanism (18).”

Yamada is directed to a tie-up vehicle seat including a leg member 17 moveable from a retracted position to a support position, a seat bottom 14 moveable from an available position to a retracted position, a wire cable 43 connecting the front side of the seat bottom to a release lever 29, an engaging lever 26, and a side bracket 19. When displacing the leg member 17 from the retracted position to the support position, the wire cable 43 rotates the release lever 29 against the elasticity of a spring 32, which causes the engaging lever 26 to be rotated such that its pawl 25 is disengaged from the recess 24 of the back side bracket 19. (see Yamada at col. 3, lines 23-39; and Figures 1-2).

Claim 29 is in independent form and recites a seat comprising, in combination with other elements, a break-away mechanism connected to a cable such that when the seat base is locked in the stored position and a leg member of the leg assembly is pulled, when a force is applied to the leg assembly, the leg assembly moves toward a deploy position while the seat base remains locked in the stored position without damaging the cable.

Yamada does not identically disclose a seat comprising, among other elements, a break-away mechanism connected to a cable such that when the seat base is locked in the stored position and a leg member is pulled, the leg assembly moves toward a deploy position while the seat base remains locked in the stored position without damaging the cable as recited in independent Claim 29. Indeed, Yamada states that “[t]he lock mechanism 18 is arranged to be unlocked in response to the rotation from the retracted position to the support position of the leg member 17.” (Yamada at col. 3, lines 51-56). Thus, there is no mechanism in which the seat bottom 14 is locked in the stored position and the leg member 17 is pulled while the seat bottom remains locked in the stored position because the device of Yamada is unlocked when the leg member 17 is pulled. The rejection of Claim 29 over Yamada is improper. Claim 29 is patentable over Yamada.

Conclusion

It is submitted that each outstanding objection and rejection to the Application has been overcome, and that the Application is in a condition for allowance. The Applicants request consideration and allowance of all pending Claims 21-27 and 29-37.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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